IN THE HIGH COURT OF JUDICATURE AT BOBBY

CRIMINAL APPELLATE JURISDICTION

CRI. REVISION APPLICATION NO. 299 OF 2001

Hiralal Motilal Gangwal ..Applicant.

V/s.

Prakash Bherulal Jain & Anr. ..Respondents.

Shri Abhinaandan Vagyani for the Applicant.
Shri M.S. Kaarnik for Respondent No.1.
Shri R.Y. Mirza, APP for the Respondent No.2- State.

CORAM : A.M.KHANWILKAR, J.
DATED : FEBRUARY 22, 2005

PC :-

. Heard counsel for the parties.

2. During the pendency of this Revision Application, parties have amicably settled all their disputes. The amount in question has also been paid over to the respondent No.1, who is the original complainant, by the applicant. Counsel for the respondent No.1 submits that respondent No.1 has no intention to precipitate the matter and will abide by the order as passed by this court. The present revision is against concurrent opinion recorded by the two courts below, convicting the applicant for offence

punishable under section 138 of the Negotiable Instruments Act.

3. As the applicant has paid over the entire amount to the respondent No.1 and respondent No.1 has no intention to precipitate the matter, in exercise of revisional jurisdiction and in the interest of justice, while maintaining the conviction as recorded by the courts below against the applicant, the order of sentence is modified to the extent of the sentence already undergone by the applicant. It is stated that the applicant was in jail for some time in relation to the offence in question.

4. Accordingly, this revision succeeds by modifying the sentence to one already undergone by the applicant.

5. The Xerox copy of the consent terms executed between the parties tendered, is taken on record.

6. Revision is disposed of in the above terms.

7. Ordered accordingly.

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